

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HILDA R. MARRERO,

Plaintiff,

07 Civ. 7713 (DAB) (DFE)

-against-

MEMORANDUM AND ORDER

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.
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DOUGLAS F. EATON, United States Magistrate Judge.

On October 19, 2007, District Judge Deborah A. Batts referred this Social Security case to me to write a Report and Recommendation on any motion filed in the case. On July 10, 2008, I granted the parties' request for the following briefing schedule: Defendant's motion for judgment on the pleadings would be filed on or before August 8, 2008; Ms. Marrero's opposition papers would be filed on or before September 8, 2008; and Defendant's reply would be filed on or before September 29, 2008.

On August 8, 2008, Assistant U.S. Attorney ("AUSA") Leslie A. Ramirez-Fisher filed a Notice of Motion and a Memorandum of Law in Support of the Defendant's Motion for Judgment on the Pleadings. To date, I have not received any opposition papers from Ms. Marrero.

I will give Ms. Marrero one last chance to submit opposition papers. If Ms. Marrero did not receive copies of the Defendant's 2-page Notice of Motion and the 22-page Memorandum of Law, then she should write to AUSA Ramirez-Fisher by April 24, 2009 (with a courtesy copy to me) and ask AUSA Ramirez-Fisher to mail her another set of the Defendant's papers.

I direct Ms. Marrero to serve and file her opposition papers on or before May 29, 2009. "Serve" means that a copy of her papers must be mailed to:

Leslie A. Ramirez-Fisher, Esq.
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007

"File" means that the signed original of Ms. Marrero's opposition

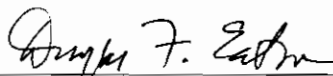
papers must be mailed to me (along with a signed certificate that she mailed a true copy of the papers to AUSA Ramirez-Fisher). My address is:

Douglas F. Eaton
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1360
New York, New York 10007

Once the U.S. Attorney's Office receives Ms. Marrero's papers, it will have 14 days to serve and file a reply if it wishes to do so. After that, no further papers will be allowed from either side, until I write a Report and Recommendation to Judge Batts (who is a higher-ranking judge).

I realize that Ms. Marrero does not have an attorney. Therefore, I will read her papers with extra sympathy. If she has any questions about today's Memorandum and Order, then she can contact the Pro Se Office at the United States Courthouse at 500 Pearl Street, Room 230, New York, New York 10007. The telephone number for the Pro Se Office is (212) 805-0175. The Pro Se Office can advise her about procedure, but it cannot give legal advice about the substance of the case, and it cannot write any papers for her.

Ms. Marrero is required to give prompt written notice, to the Pro Se Office, to AUSA Ramirez-Fisher, and to my chambers, about any change of mailing address. Failure to do so may result in a dismissal of her lawsuit.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007

Dated: New York, New York
April 14, 2009

Copies of this Memorandum and Order are being sent by mail to:

Hilda Marrero
975 East 181st Street, Apt. C
Bronx, New York 10460

Leslie A. Ramirez-Fisher, Esq.
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007

Hon. Deborah A. Batts